

**frontier**

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*Michael J. Shortley, III*  
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Telephone: (716) 777-1028

FCC MAIL ROOM March 22, 1996

BY OVERNIGHT MAIL

Mr. William F. Caton  
Office of the Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

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**Re: WT Docket No. 96-6**

Dear Mr. Caton:

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Enclosed for filing please find an original plus nine (9) copies of the Reply Comments of Frontier Corporation in the above-docketed proceeding.

To acknowledge receipt, please affix an appropriate notation to the copy of this letter provided herewith for that purpose and return same to the undersigned in the enclosed, self-addressed envelope.

Very truly yours,



Michael J. Shortley, III

cc: International Transcription Service

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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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**FEB 25 1996**

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**In the Matter of**

**Amendment of the Commission's Rules  
To Permit Flexible Service Offerings  
in the Commercial Mobile Radio Services**

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**WT Docket No. 96-6**

**REPLY COMMENTS OF  
FRONTIER CORPORATION**

Frontier Corporation ("Frontier") submits this reply to the comments received in response to the Commission's Notice in this proceeding.<sup>1</sup> There is virtual unanimity that the Commission should clarify or amend its rules to permit broadband commercial mobile radio service ("CMRS") providers to offer fixed wireless services. The only debate is over the manner in which the Commission should regulate such services. Certain parties<sup>2</sup> contend that, because fixed wireless local loop services are intended as a substitute for traditional local exchange services, they should be subject to the full panoply of Title II regulation.

The Commission should reject this request. For at least the near term, fixed wireless local loop services are unlikely to displace more than a minuscule number of traditional landline local loops. Indeed, it is more likely that fixed wireless services will be marketed as adjuncts to existing mobile radio services rather than as substitutes for

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<sup>1</sup> *Amendment of the Commission's Rules To Permit Flexible Service Offerings in the Commercial Mobile Radio Services*, WT Dkt. 96-6, Notice of Proposed Rulemaking, FCC 96-17 (Jan. 25, 1996).

<sup>2</sup> *E.g.*, OPATSCO at 3-6.

traditional local exchange services. Thus, there is no current necessity to subject fixed wireless local loop services to full Title II regulation.

The Communications Act already provides guidance with respect to the manner in which wireless local loop services should be regulated. Section 332(c)(3)(A) provides that commercial mobile radio services shall not be subject to state rate and entry regulation unless such services are substitutes for a substantial portion of traditional local exchange services in a state. That circumstance plainly has not occurred. As a result, it would be premature for the Commission to consider regulating fixed wireless local loop services other than as commercial mobile radio services. If and when the time comes, the Communications Act already provides the Commission with the authority that it would need to revisit this issue.

Moreover, the suggestion<sup>3</sup> -- that the utilization of CMRS spectrum for fixed services automatically disqualifies such services as commercial mobile radio services for purposes of section 332 of the Communications Act -- is incorrect. Fixed applications would constitute merely another permitted use of spectrum allocated to services that are already defined as commercial mobile radio services.<sup>4</sup> Therefore, the Communications Act does not preclude the Commission from regulating fixed wireless applications as commercial mobile radio services.

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<sup>3</sup> E.g., NYDPS at 2-3; NARUC at 3-5.

<sup>4</sup> See Bell Atlantic NYNEX Mobile at 5-7.

For the foregoing reasons, the Commission should act upon the proposals contained in the Notice in the matter suggested herein and in Frontier's comments.

Respectfully submitted,

  
Michael J. Shortley, III


Attorney for Frontier Corporation

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March 22, 1996

### **Certificate of Service**

I hereby certify that, on this 22nd day of March, 1996, copies of the foregoing Reply Comments of Frontier Corporation were served by first-class mail, postage prepaid, upon the parties on the attached service list.

  
Michael J. Shortley, III

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